

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8126 of 2020**

- Dharam Ratre S/o Dilchand Ratre, Aged About 21 Years, R/o Village-Arjuni P.S.- Akaltara District- Janjgir-Champa, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station-Masturi, District- Bilaspur, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri T.K. Jha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**10-03-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-07-2020 in connection with Crime No.197/2020 registered at Police Station - Masturi, District- Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 and 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. The prosecutrix was not minor on the date of incident. Her statement under Section 161 of the Cr.P.C. reveals that she willingly left with the applicant, married him, resided with him and had physical relation with him. Therefore, the relation was consensual. Hence, there is no case present against this applicant. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age below 18 years, therefore, her consent or willingness is immaterial and the offences are made out against the applicant. Hence, the application may be rejected.

4. Notice issued to the complainant has been returned served, but there is

no appearance and no representation.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing that she was not capable for giving valid consent until she was recovered by the police.

7. Considered on the submissions. After looking to the statement of the prosecutrix under Section 161 of the Cr.P.C. and other circumstance present, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**